

THE
C A S E
OF
ROBERT-GEORGE-WILLIAM TREFUSIS,
OF
Trefusis, in the County of Cornwall,

In Relation to his Claim of the Barony of CLINTON.

EDWARD CLINTON LORD CLINTON was seized of the Barony of *Clinton*, by Descent from his Ancestors, in the 4th and 5th Years of the Reign of King *Philip* and Queen *Mary*; at which Time a Question arose in the House of Lords, between him and the Lord *Stafford*, concerning their Precedency; and it appears, by the Journals of the House, that, on the 12th of *February*, in the same Year, the Earls of *Arundel* and *Shrewsbury*, and the Lord *Darcy of Chiche*, who had been appointed by the House to ensearch and try out, "as well by the ancient Records" and Parliament Rolls of this Realm, as also by the Heralds' Books and other Monuments, "touching the Rooms, Pre-eminences, and Places of the Ancestors of the Lords *Clinton* and *Stafforde*," made Report to the House, "That, as well by all Matters of Records as by the Authority of the Herald's Books, or other credible Authority, to them shewed, they found that *the Lords Clinton*, by long Continuance and great Authority, had always Place and Room, as well "in Parliament as all other Places of Assembly, next above the Lords of *Audeley*: to which Place of his Ancestors the said Lord *Clinton*, "lineally descending from his said Ancestors, was, by "Order, Consent, and Appointment of all the said Lords sitting in Parliament, restored and admitted."

It is humbly submitted, that the above Order of the House, and the Two subsequent Proceedings, with respect to this Dignity, in the Years 1610 and 1720-21, which will be stated in the Order of Time as they occurred, are sufficient to shew that the Barony of *Clinton* is a Barony by Writ, and to preclude the necessity of tracing the Claimant's Descent from a more remote Ancestor. Appendix No. 1.

The said *Edward Lord Clinton* was afterwards created Earl of *Lincoln*, to him and the Heirs Male of his Body, by Patent, dated 14 of *Elizabeth*, and died 16 *January* 1584, leaving *Henry* his Son and Heir, who succeeded him in his said Honours. No. 2, 3, 4.

The said *Henry Earl of Lincoln* and Baron of *Clinton* married *Catherine* Daughter of *Francis* Earl of *Huntingdon*, by whom he had Issue Two Sons, *Thomas* and *Edward*. No. 5.

The said *Thomas*, eldest Son of the said *Henry Earl of Lincoln*, was summoned to Parliament in the Life-time of his Father, by Writ bearing Date 8 *February*, 7 *Jac.* (1610), directed *Prædilecto et fideli nostro Thomæ Domino Clinton Cbr.*; and it appears, by the Journals of the House, that, on the 2d of *June* following, he was introduced in the usual Form, and placed next above the Lord *Stafford*. No. 6.

He succeeded his Father as Earl of *Lincoln*, and died 15 *January*, 1618, at his Castle of *Tattershall*, in the County of *Lincoln*, leaving Issue, by *Elizabeth* his Wife, Daughter and Coheir of Sir *Henry Knevitt*, of *Charlton*, in the County of *Wilts*, Knight, *Theophilus* his Son and Heir. No. 7.

The said *Theophilus Earl of Lincoln* and Baron *Clinton* died in the Year 1667, having had Issue one Son, *Edward*, and Three Daughters, Lady *Catherine*, Wife of *George Booth*, (afterwards Lord *Delamere*), Lady *Arabella*, Wife of *Robert Rolle*, Esquire, and Lady *Margaret*, Wife of *Hugh Boscawen*, Esquire. No. 8.

The said *Edward Clinton*, only Son of the said *Theophilus Earl of Lincoln*, married *Ann* the eldest Daughter of *John Holles* the second Earl of *Clare*, and died in the Life-time of his Father, leaving Issue only one Son, *Edward*, who, upon the Death of his said Grandfather, *Theophilus*, became Earl of *Lincoln* and Baron *Clinton*, and died without Issue in 1692. No. 9.

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No. 10. Upon this Event, there being no Heirs Male of the Body of *Theophilus* Earl of *Lincoln*, the Earldom passed to Sir *Francis Fiennes*, alias *Clinton*, Grandson of Sir *Edward Fiennes*, alias *Clinton*, Uncle of the said *Theophilus*, as Heir Male of the Body of the first Earl; and the Barony of *Clinton* fell into Abeyance amongst the Issue of the said Lady *Catherine Booth*, Lady *Arabella Rolle*, and Lady *Margaret Boscawen*, Daughters of the said *Theophilus*, and Aunts of the said *Edward* Earl of *Lincoln* and Baron *Clinton*.

No. 11. The said Lady *Catherine Booth* had Issue *Veré Booth*, her only Daughter and Heir, born in the Year 1643, who dying unmarried in 1717, this Line became Extinct, and the Barony remained in Abeyance between *Samuel Rolle*, Son and Heir of the said Lady *Arabella Rolle* and *Hugh Fortescue*, Esq. Grandson and Heir of the said Lady *Margaret Boscawen*.

No. 12, 13, 14. In the Year 1720-21, the King was pleased to exercise his Royal Prerogative, and to determine the said Abeyance, by granting a Writ of Summons to the said *Hugh Fortescue*, by the Title of *Hugh Fortescue de Clinton*, Chevalier; and when he took his seat, 18 March, 1720-21, the Lord Chancellor explained to the House his Descent, "and how he was One of the Heirs of *Theophilus*, late Earl of *Lincoln* and Baron of *Clinton*." He was, as will appear by the annexed Pedigree, Grandson of the said Lady *Margaret Boscawen*, viz. Son and Heir of *Hugh Fortescue*, of *Fillegh*, in the County of *Devon*, Esq. by *Bridget*, his Wife, only Child that left Issue of the said Lady *Margaret Boscawen*. He was afterwards, by Patent, dated 5 July, 1746, created Baron *Fortescue* and Earl *Clinton*, to him and the Heirs Male of his Body, with Limitation of the Barony of *Fortescue* to his Half Brother *Matthew Fortescue*, and the Heirs Male of his Body; and dying without Issue in 1751, *Margaret*, his only surviving Sister and Heir of the Whole Blood, took the Title of Baroness *Clinton*, the Earldom became extinct, and the Barony of *Fortescue* passed to *Matthew Fortescue*, his Half Brother, according to the Limitation above mentioned, and is now enjoyed by the present Earl *Fortescue*, as Son and Heir of the said *Matthew*.

No. 15, 16. The said *Margaret Lady Clinton*, only surviving Sister and Heir of the said *Hugh* Earl and Baron *Clinton*, died unmarried in March 1760, and by her Death all the Issue of the said Lady *Margaret Boscawen* became extinct, and the Barony of *Clinton* devolved of Right upon *Margaret*, then Countess of *Orford*, as only Daughter and Heir of *Samuel Rolle* aforesaid, only Son and Heir of the said Lady *Arabella Rolle*; and, upon her Death, which happened at *Pisa* in 1781, it descended to her only Son *George*, late Earl of *Orford*, who dying without Issue in December 1791, the said Barony of *Clinton* is, as the Claimant humbly conceives, devolved upon him, as eldest Son and Heir of *Robert Cotton Trefusis*, Son and Heir of *Robert Trefusis*, Son and Heir of *Samuel Trefusis*, next Brother and Heir of *Francis Trefusis*, eldest Son and Heir of *Francis Trefusis*, of *Mylor*, in the County of *Cornwall*, Esq. by *Bridget*, his Wife, only Sister, who left Issue, of the aforesaid *Samuel Rolle*, and Daughter of the said Lady *Arabella Rolle*.

No. 17.

No. 18.

No. 19, 20, 21, 22, 23.

No. 24.

The Claimant having accordingly presented his humble Petition to his Majesty, praying that His Majesty would be graciously pleased to admit his Claim to the said Barony, and to order a Writ to be issued to summon him to Parliament by the Title of Baron *Clinton*; His Majesty was graciously pleased to refer the same to Mr. Attorney General, who has made his Report thereupon, and certified that, in his Opinion, the Petitioner hath made good his Claim to the said Barony, yet, for Reasons therein assigned, it appeared to him to be Matter of Duty humbly to represent to His Majesty, that, in his Opinion, it would be proper to refer the said Petition in the usual Manner to this House for your Lordships Judgement and Advice thereupon.

And His Majesty having been further graciously pleased to refer the said Petition to your Lordships, and the same being by your Lordships referred to the Consideration of the Lords Committees for Privileges, the Claimant humbly hopes, that, upon a full Examination of his Case, your Lordships will be of Opinion, that he is justly entitled to the said Dignity and Honour of Baron *Clinton*; and that your Lordships will be pleased to certify to His Majesty accordingly.

ROBERT GRAHAM,
CHARLES THOMSON.

A P P E N D I X,

With References to the Margin of the Case, and to the Pedigree.

IT is presumed that no Question will be made as to the Fact of the Barony of *Clinton* being a Barony by Writ, and, consequently, descendible through Females, for it must have been upon that Ground only that *Hugh Fortescue* was summoned in 1720-21, and the several Proceedings in the House, in the Years 1556, 1610, and 1720-21, relative to the Rank and Precedence of the said Barony, are sufficient to put this Fact beyond all Doubt; because, though the Precedence assigned upon these several Occasions is not exactly the same, yet it is always far above that of any Barony by Patent. It may also be remarked, that, if this had really been a Barony by Patent, the Patent itself would have been the proper and legal Evidence to have been produced for shewing the true Rank.

No. 1.

The following are Extracts from the Journals of the House of Lords.

Die Sabbati, videlicet 12^o Februarii, Anno 1556.

"The Earls of *Arundell* and *Shrewsbury* and the Lord *Darcy of Chiche*, having been appointed by all the Lords, as appeareth on the 31st of *January* last, to ensearch and try out, as well by the antient Records and Parliament Rolls of this Realm, as also by the Heralds Books and other Monuments, touching the Rooms, Pre-eminences, and Places of the Ancestors of the Lords *Clinton* and *Stafforde*, made this Day, being the 12th of *February*, Relation in the Parliament Chamber, unto all the said Lords then there being and sitting, that, as well by all Matters of Records as by the Authority of the Heralds Books, or other credible Authority, to them shewed, there found, that the Lords *Clynton*, by long Continuance and great Antiquity, had always Place and Room, as well in Parliament as all other Places of Assembly, next above the Lords of *Audeleye*, and that the Barons of *Stafforde*, likewise, were placed next unto and under the Barons *Talbot*; to which Places of their said Ancestors both the Lord *Clynton* and the Lord *Stafforde*, lineally descending from their said Ancestors, by Order, Consent, and Appointment, of all the said Lords sitting in Parliament, were restored and admitted; saving, nevertheless, both to themselves and all other Lords and Peers, their Rights and Places, upon further and better Authority shewed for the same."

Die Sabbati, videlicet 2^o Junii 1610.

"This Day the Lord *Clynton*, being summoned to this present Parliament by His Majesty's Writ, of the Tenor hereunder written, was brought into the House in his Parliament Robes, by the Lord *Dudley* and the Lord *Darcie of Menell*, who were also in their Parliament Robes, Garter Principal King at Arms going before them, and bearing on his Left Arm His Majesty's Coat of Arms; thus they proceeded, upon the Left Side of the House, by the Lords the Bishops, until they came to the Lord Chancellor, to whom the Lord *Clynton*, kneeling, presented his Writ; which Writ his Lordship presently delivered to the Clerk of the Parliament, and the same was by him read accordingly. During the Reading whereof, the said Lord *Clynton*, and the other Two Lords that brought him in, stood still at the upper End, by the Lord Chancellor; and after the same Writ was read, the Lord *Clynton* was, by the said Lord *Dudley* and Lord *Darcy*, brought unto his due Place, next above the Lord *Stafford*."

Die

Die Mercurii, 15^o Martii 1720-1.

" The Earl of *Clarendon* having, at the Instance of some Lords, who thought they might be affected by a Claim, expected to be made, of the Seat in Parliament anciently belonging to the Barons of *Clinton*, moved the House, " That an Inquiry may be made, touching the due Place and Precedence belonging to the Barons of *Clinton*."

And the Lord Chancellor thereupon acquainting the House, " That His Majesty had been pleased to order a Writ of Summons to be directed to *Hugh Fortescue*, Esquire, by the Name of *Hugh Fortescue de Clinton*, Chevalier, to sit and attend in Parliament, and that such Writ had accordingly passed the Great Seal ;"

" It is Ordered, That the Consideration of this Matter be, and is hereby referred to the Lords Committees for Privileges, who are to meet To-morrow Morning for that Purpose ; and that the Clerks do, in the mean Time, search Precedents, and produce the Books before the said Committee."

Die Sabbati, 18^o Martii, 1720-1.

The Earl of *Clarendon* reported from the Lords Committees for Privileges, to whom the Matter of the Precedency of the Lord *Clinton* was referred ; " That the Committee have heard Counsel on the Behalf of the said Lord *Clinton*, as also on the Behalf of the Lord *Willoughby of Eresby*, and the Lord *Delawar*, and inspected the several Journals of this House, of the Reigns of King *Henry the Eighth*, King *Edward the Sixth*, King *Philip* and Queen *Mary*, Queen *Elizabeth*, and King *James the First* : and are of Opinion, That the Lord *Clinton* be placed next below the Lord *Fitz-walter*, and above the Lord *Dudley* ; saving, nevertheless, to the said Lord *Clinton*, and all other Lords and Peers, their Rights and Places, upon further and better Authority shewed for the same."

This Report, being made, was read by the Clerk, and agreed to by the House.

The House being informed, " That the Lord *Clinton* was attending without, with his Writ of Summons ;"

" The Lord Chancellor explained to their Lordships the said Lord *Clinton*'s Descent, and how he was one of the Heirs of *Theophilus* formerly Earl of *Lincoln* and Baron of *Clinton*."

" And thereupon the Entry in the Journal of the Twenty-eighth of *January*, 1677, of the Admission of the Lord *Ferrers*, at that Time, into the House, without Introduction, being read ;

" The Lord *Clinton* was called in ; and having presented his Writ of Summons to the Lord Chancellor, the same was read by the Clerk, as follows :

" *Georgius*, Dei Gratia, *Magnæ Britannia, Franc. & Hib'niæ*, Rex, Fidei Defensor, &c. prædicto & fideli nostro *Hugoni Fortescue de Clinton*, Chev. salutem. Cum Parlamentum nostrum, pro arduis & urgentibus negotiis nos statim & defensionem Regni nostri *Magnæ Britannia & Ecclesiæ* concernentibus apud Civitatem nostram *Westm.* nunc congregat' existit ; vobis sub Fide & Ligeantia quibus nobis tenemini firmiter injungendo mandamus quod consideratis dictorum Negotiorum arduitate & periculis imminentibus, cessante excusatione quacunque ad dictum Parlamentum nostrum personaliter interfutis Nobiscum ac cum Prælati Magnatibus & Proceribus dicti Regni nostri super dictis Negotiis tractatur vestrumque Consilium impensur ; et hoc sicut nos & Honorem nostrum, ac Salvationem et Defensionem Regni & Ecclesiæ præd. Expeditionemque dictorum Negotiorum diligitis nullatenus omittatis.

" Teste meipso, apud *Westm.* Decimo Quinto Die *Martii*, Anno Regni nostri Septimo,

" *WRIGHTE.*

" Which being done, the Lord *Clinton*, at the Table, took the Oaths, and made and subscribed the Declaration, and also took and subscribed the Oath of Abjuration, pursuant to the Statutes ; and then took his Place on the Barons Bench, according to the Resolutions of this House, upon the Report of the Committee of Privileges, beforementioned.

No. 2. The Enrollment of Letters Patent of 14 *Eliz.* Part 9. Mem. 40, from the Rolls Chapel, proves the Creation of *Edward Lord Clinton* to be Earl of *Lincoln*, to him and the Heirs Male of his Body.

Monumental

"*Francis Fines*, alias *Clinton*, Son and Heir, of *Little Stourton*, in the County of *Lincolne*, Anno 1634, who married *Priscilla*, Daughter of *John Hill*.

"*Tho. St. George*,
" Garter.

"*Hen. St. George*,
" *Clarenceux*.

" The Committee are of Opinion the Pedigree is clear.

" To which the House agreed.

" Then *Francis* Earl of *Lincolne* was called in, and came to the Table, and took the Oaths, and made and subscribed the Declaration, pursuant to the Statutes, and took his Place on the Earls Bench."

- No. 11. The Summoning of *Hugh Fortescue*, in 1720-1, (see N° 1.) shews, that there was no Female Issue from the said *Edward* Earl of *Lincoln*, and proves the Fact of the Barony of *Clinton* having fallen into Abeyance, amongst the Issue of the Daughters of *Theophilus* Earl of *Lincoln*.
- No. 12. The Pedigree of *Booth*, entered in the original Visitation of the County of *Chester*, made by Sir *William Dugdale*, in 1663, produced from the Heralds Office, will shew the Birth of *Vere Booth*, in 1643, and that she was the only child of her Mother.
- No. 13, 14. That she died unmarried appears by her Will, dated 16th *March*, 1714, and proved 21st *February*, 1717, in which she styles herself *the Honourable Vere Booth, Spinster*; and by the Register of the Parish of *St. Mary Islington*, where she was buried 23d *November*, 1717.
- No. 15. That *Hugh Fortescue*, who was summoned to Parliament as Baron *Clinton*, in 1720-1, was the eldest Son and Heir of *Hugh Fortescue*, by *Bridget* his Wife, Daughter of Lady *Margaret Boscawen*, will be proved by the Will of his Father, *Hugh Fortescue*.
- No. 16. That the said *Bridget* was the only surviving Child and Heir of the Lady *Margaret Boscawen*, will be proved by the Will of her Father *Hugh Boscawen*, Esquire, dated 17 *July*, 1700, and by that of her Husband, dated 15th *January*, 1714, the latter of which recites an Indenture of Settlement, made by his said Wife previous to her Marriage, bearing Date the 8th of *March*, 1692, "of the Third Part of her the said *Bridget* my late Wife of the *Castle, Manor, and Lordship of Tattershall*," and other Manors and Lands in the County of *Lincoln*. This Fact is also further evinced by the Declaration of the Lord Chancellor when the said *Hugh Fortescue* took his Seat, as Baron *Clinton*, viz. That he, the said *Hugh Fortescue*, "was one of the Heirs of *Theophilus Earl of Lincoln and Baron Clinton*;" which he could not have been if there had existed any Brothers or Sisters, or any Issue from any Brothers or Sisters, of the said *Bridget*.
- No. 17. Letters Patent of 5th *July*, 1746, from the Rolls.
- No. 18. Parole Evidence will be given to prove that the said *Hugh Fortescue* Earl and Baron *Clinton* and Baron *Fertescue* died without Issue.
- No. 19. Parole Evidence will also be given to shew that *Margaret* Lady *Clinton* died unmarried, and that all her Brothers and Sisters are dead without Issue.
- No. 20. The Marriage of Lady *Arabella Clinton* with *Robert Rolle*, Esquire, is proved by the Pedigree referred to in N° 8, and also by Deed of Settlement previous to the said Marriage, dated 11th *August*, 1645.
- No. 21. The Birth of *Samuel Rolle* is proved by the Register of *St. Paul, Covent Garden*, where it appears he was baptized 20th *November*, 1646: and his Father in his Will, dated 17th *February*, 1659, and proved 11th *February*, 1660, calls him his Son and Heir apparent.
- No. 22. That *Margaret*, Countess of *Orford*, was the Daughter of the said *Samuel Rolle*, appears by the Register of her Baptism at *Petrockflow*, and that she was his only Child is proved by the Will of her Mother, *Margaret Rolle*, then *Margaret Harris*, dated 30th *May*, 1752, and proved 7th *June*, 1754.
- No. 23. The Death of the said *Margaret*, Countess of *Orford*, and that *George*, late Earl of *Orford*, was her only Child, and that he is also dead without Issue, will all be proved by parole Evidence.

* This Castle and Manor of *Tattershall* appears to have belonged anciently to her Great Grandfather, *Thomas* Lord *Clinton* and Earl of *Lincoln*, and the One-third here settled was her Share, or Portion, as sole Heir of her Mother, who was one of the Three Aunts and Coheirs of *Edward* Earl of *Lincoln*.

The Claimant's Descent from the said Lady *Arabella Rolle* will be proved thus :

No. 24.

The Parish Registers of *Petrockstow* will shew that the said Lady *Arabella Rolle* had Issue by her Husband (besides the said *Samuel Rolle*, whose Issue had been shewn to be extinct), only Three Daughters, *Bridget*, *Margaret*, and *Arabella*; that *Margaret* died unmarried at the Age of Fifteen, and that *Arabella* was baptized 27 April, 1654, and died in May following.

Extracts from the Register of the Parish of *Petrockstow* in the County of
Devon.

" *Christenings*.

- " 1648, May 3, *Bridget* the Daughter of *Robert Rolle*, Esq.
- " 1651, March 11, *Margaret* the Daughter of *Robert Rolle*, Esq. was baptized.
- " 1654, April 27, *Arbella* the Daughter of *Robert Rolle*, Esq. was baptized.

" *Burials*.

- " 1654, May 11, *Arbella* the Daughter of *Robert Rolle*, Esq. was buried.
- " 1666, March 9, *Margret* the Daughter of *Robert Rolle*, Esq. deceased, was buried.

That the said *Bridget* (the only Child of the said Lady *Arabella Rolle* that remains to be accounted for) married *Francis Trefusis*, Esq. is proved,

No. 25.

1. By Licence for the said Marriage from the Vicar General's Office, dated January 29, 1671-2.
2. By the following Extract from the Register of the Parish of *St. Michael Penkevell* in the County of *Cornwall*: "*Francis Trefusis*, Esq. of *Trefusis*, Corn, was married to Mrs. "*Bridget Rolle*, the Daughter of *Robert Rolle*, of *Heaunton* in *Devon*, Esq. the 23d Day of July 1672.
3. By the Will of the said *Francis Trefusis*, dated November 8, 1678, and proved at *Exeter*, November 18, 1681.
4. By a Deed-Poll of Discharge, dated January 9, 1702, of which the following is an Extract:
1702, January 9. By Deed-Poll of this Date under the Hands and Seals of *Samuel Trefusis*, Son and Heir of *Francis Trefusis*, of *Trefusis*, in the County of *Cornwall*, Esq. deceased, and *Bridget Trefusis* his Mother, he, the said *Samuel Trefusis*, did declare, that he had that Day, by and with the Consent of the said *Bridget* his Mother, being one of the Daughters of *Robert Rolle*, received of *Samuel Rolle*, Esq. Son and Heir of the said *Robert Rolle*, the Sum of 6000l. being in full for the Portion of the said *Bridget*, and also the further Sum of 50l. in full for all Interest for the said 6000l. &c. &c.

Executed by *Samuel* and *Bridget Trefusis*, and sealed by the latter with the Arms of *Trefusis* impaling those of *Rolle*.

That *Francis Trefusis* was the eldest Son and Heir of the said *Francis Trefusis*, by the said *Bridget*, is proved by the following

No. 26.

Extract from the Register of the Parish of *Mylor* in the County of *Cornwall*:

Francis, the Sone of *Francis* and *Bridget Trefusis*, was borne the 29th of *Aprill*, and baptised the Fourth of *May*, 1673.

* This Register of the Marriage has been discovered since the Prorogation of Parliament in 1793.

That

That he died at the Age of Nineteen is proved by the following

Extract from the Register of *Petrockstow*, beforementioned.

Buryalls.

1692, September 22. *Francis Trefusis*, Esq. was buried.

And that he left no issue is proved by the Deed-Poll of 1702, quoted in N^o 25, wherein his Brother *Samuel* is a Party, by the Description of *Samuel Trefusis*, Esq. Son and Heir of *Francis Trefusis*, deceased, with the Consent of *Bridget Trefusis*, his Mother.

No. 27. That *Samuel Trefusis* was the next Brother and Heir of *Francis* is proved :

1. By Extract from the Register of *Mylor* in *Cornwall*.

"*Samuel*, the Son of *Francis Trefusis*, Esq. and *M. Bridget Trefusis*, was baptised the 6th of October, the Yeere 1676."

2. By the Deed-Poll abovementioned.

3. By a Deed of Renunciation of which the following is an Extract :

"1699, February 22 : By Indenture between *Bridget Trefusis* of *Trefusis*, Widow, of the One Part, and *Samuel Trefusis*, Esq. Son of the said *Bridget*, of the other Part, reciting, That *Francis Trefusis* deceased, late Son of the said *Bridget*, died intestate ; and that Letters of Administration, of all and singular his Goods and Chattels, were then lately granted to the said *Bridget* his Mother ; and also that Letters of Administration of the Goods and Chattels of *Francis Trefusis* the Father, not administered by the said *Francis* the Son, with the Will of the said *Francis* the Father annexed, was committed to the said *Bridget* ; it is witnessed that the said *Bridget*, as well in consideration of the natural Love she bore to the said *Samuel* her Son, as of Five Shillings, to her paid, did grant, assign, transfer, and make over unto him the said *Samuel Trefusis*, as well the said several Letters of Administration, as also all the Goods, &c. which were of them the said *Francis* the Father, and *Francis* the Son, at their Deaths, and all the Estate, &c. to hold to the said *Samuel Trefusis*, his Executors, &c. for ever, with a Proviso, that nothing in the said Indenture should be construed to extend to the Assigning any Right which the said *Bridget* had or claimed to the Interest of 6000*l.* which was intended for her Marriage Portion, and then remained in the Hands of *Samuel Rolle* her Brother.

No. 28. That the said *Samuel Trefusis* married *Alice* the Daughter of *Sir Robert Cotton*, is proved,

1. By Indenture of Release tripartite made December 10, 1702, between *Samuel Trefusis*, of *Trefusis*, in the County of *Cornwall*, Esq. of the First Part : *Sir Robert Cotton* of *Hatley St. George*, in the County of *Cambridge*, Knight ; and *Alice Cotton*, only Daughter of the said *Sir Robert Cotton*, of the Second Part ; and *Sir Nicholas Morice*, of *Werington*, in the County of *Devon*, Bart. ; *Sir John Cope*, of *Bramsdale*, in the County of *Southampton*, Knight ; *Samuel Rolle*, of *Heaunton*, in the County of *Devon*, Esq. ; *Hugh Boscarven*, of *Tregothnan*, in the County of *Cornwall*, Esq. ; and others, of the Third Part : reciting that there was a Marriage intended between the said *Samuel Trefusis* and the said *Alice Cotton*, and settling Lands, &c. accordingly.

2. By Extract from the Register of the Parish of *Tadlow*, in the County of *Cambridge*,

"*Samuel Trefusis*, Esq. and *Alice* daughter of *Sir Robert Cotton*, were married December 13, 1702."

That *Robert Trefusis* was the Son and Heir of the said *Samuel* and *Alice* will be proved by the following

Extract from the Register of the Parish of *St. Mary Woolnoth* in the City of *London*.

" March 1707-8.

"The One and Twentieth Day of this Month was borne (*Robert*) the Sonne of *Samuel Trefusis*, Esq. and *Alice* his Wife, living with the Right Honourable *Sir Robert Cotton*, Knight, One of the Commissioners of Her Majesties Post-Office General, and was baptised the First Day of Aprill following, by the Right Reverend Father in God *Sir Jonathan*

" Jonathan Trelawney, Knight, and Bishop of Winchester, by the Permission and Assent of Mr. Samuel Angier, Rector of this Parish of St. Mary Woolnoth."

7 July, 1719. Indenture quinquartite between Samuel Trefusis of Trefusis, Esq. of the First Part; James Craggs, the elder, Esq. and Margaret his Daughter, of the Second Part: the Right Honourable James Craggs, the younger, Esq. one of his Majesties Principal Secretaries of State; and Edward Elliot, of Port Elliot, Esq. of the Third Part; Alexander Denton, Esq.; and the Honourable Michael Richards, Esq.; of the Fourth Part; and Henry Vincent, Esq.; and Launcelot Burton, Esq.; of the Fifth Part; reciting that the said Samuel Trefusis intermarried with Alice the Daughter of Sir Robert Cotton, both then deceased; and that the said Samuel Trefusis had Issue, by the said Alice, One Son and One Daughter, viz. Robert Trefusis and Gertrude Trefusis, both then living; and reciting the Settlement of December 10, 1702, made on the Marriage of the said Samuel Trefusis and Alice Cotton; and also reciting, that a Marriage was then intended between the said Samuel Trefusis and the said Margaret Craggs.

That the said Robert Trefusis married Elizabeth Affleck; will be proved by the following

No. 30.

Extract from the Register of the Parish of Dalham in the County of Suffolk.

" Married 1736."

" Mar. 16, Robert Trefusis, Esq. and Elizabeth Affleck."

And by an Indenture, quinquartite, 4 May, 1761, between Robert Cotton Trefusis, of Trefusis, in the County of Cornwall, Esquire, only Son and Heir of Robert Trefusis, late of Trefusis, Esq. deceased, and Elizabeth his Wife, who was heretofore Elizabeth Affleck, of the first Part. The Right Honourable Elizabeth Lady Dowager of St. John, of Bletso, Widow, and Relict of the Right Honourable John late Lord St. John, Baron of Bletso aforesaid, and the Honourable Ann St. John, Spinster, one of the Daughters of the said Lord and Lady St. John, of the second Part; the Right Honourable John Lord St. John, Baron of Bletso, and John Affleck, of Dalham in the County of Suffolk, Esq. of the third Part; Thomas Erle Drax, of Charborough in the County of Dorset, Esq. and the Reverend Gilbert Affleck, of Lydgate in the said County of Suffolk, Clerk, of the fourth Part; and Jacob Houlton, of Hallingbury in the County of Essex, Esq. and Thomas Charles Bunbury, of Mildenhall in the said County of Suffolk, Esq. of the fifth Part, purporting to be a Settlement made on the Marriage of the said Robert Cotton Trefusis with the said Ann St. John, Spinster.

That Robert Cotton Trefusis was the Son and Heir of the said Robert Trefusis will be proved by the following

No. 31.

Extract from the Register of the Parish of St. Ann, Westminster.

" Baptisms, 1739-40.

" Born

" January 21, Robert Cotton Trefusis of Robert Trefusis, Esq. and his Lady Elizabeth."

Bap^d.

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And by the Marriage Settlement quoted above in N^o 30.

The Marriage of the said Robert Cotton Trefusis with the Honourable Ann St. John is proved by the Settlement last mentioned, and by

No. 32.

Extract from the Register of the Parish of St. James, Westminster.

" Marriages 1761.

" N^o 240. Robert Cotton Trefusis, Esquire, of St. George Hanover Square, and the Honourable Anne St. John of this Parish, were married at the Right Honourable Lady Dowager St. John's House in Sackville Street, by special Licence from the Archbishop of Canterbury, this Fourth Day of May, in the Year 1761,

" By me St. Andrew St. John, Curate.

" This Marriage was solemnized between us

" Robert Cotton Trefusis. Anne St. John

" In the Presence of

" Jacob Houlton, John Affleck,

" E. St. John.

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The Death of the said *Robert Cotton Trefusis* will be proved by

Extract from the Register of the Parish of *Mylor* in the County of *Cornwall*.

" Burials in 1778.

" August 7. *Robert Cotton Trefusis*, Esq.

No.33. That the Claimant *Robert George William Trefusis* is the eldest Son and Heir of the said *Robert Cotton Trefusis* will be proved by

Extract from the Register of the Parish of *St James, Westminster*.

" November, 1764.

" Bapt.

" 3.

" *Robert George William Trefusis*, Son of *Robert Cotton*,
" and the Honourable *Anne*."

" Born

Oct. 5.

And by Parole Evidence.

In further Confirmation of this Descent it will be shewn, that the Honourable *Vere Booth*, in her Will mentioned in N^o 10, bequeaths the Picture of *Edward Lord Admiral Earl of Lincoln*, the Picture of *Theophilus Earl of Lincoln*, and another of his Countess, and two Pictures of Lady *Catherine Booth* (the Testatrix's Mother), to Mr. *Trefusis*, of *Trefusis*, the Claimant's Ancestor, and that the late Earl of *Orford*, who died in 1791, limited the Descent of certain Real Estates to the right Heirs of his maternal Grandfather, *Samuel Rolle*, of *Heanton*, Esq. whose Property they had formerly been; and which Estates are now in the Possession of the Claimant as right Heir of the said *Samuel Rolle*, according to the Descent above set forth,